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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TIMOTHY REIF and DAVID FRAENKEL, as
Co-Trustees of the LEON FISCHER TRUST
FOR THE LIFE AND WORK OF FRITZ
GRUNBAUM and MILOS VAVRA,

Plaintiffs,

-against-

CARNEGIE INSTITUTE,

Defendant,

An Artwork *PORTRAIT OF A MAN* (1917) by
the Artist Egon Schiele,

Defendant-in-rem.

TIMOTHY REIF and DAVID FRAENKEL, as
Co-Trustees of the LEON FISCHER TRUST
FOR THE LIFE AND WORK OF FRITZ
GRUNBAUM and MILOS VAVRA,

Plaintiffs,

-against-

OBERLIN COLLEGE d/b/a ALLEN
MEMORIAL ART MUSEUM,

Defendant,

An Artwork *GIRL WITH BLACK HAIR* (1911)
by the Artist Egon Schiele,

Defendant-in-rem.

TIMOTHY REIF and DAVID FRAENKEL, as
Co-Trustees of the LEON FISCHER TRUST
FOR THE LIFE AND WORK OF FRITZ
GRUNBAUM and MILOS VAVRA,

Plaintiffs,

-against-

23 Civ. 346 (AT)

23 Civ. 2108 (AT)

23 Civ. 2443 (AT)

THE ART INSTITUTE OF CHICAGO,

Defendant,

An Artwork *RUSSIAN PRISONER OF WAR*
(1916) by the Artist Egon Schiele,

Defendant-in-rem.

TIMOTHY REIF and DAVID FRAENKEL, as
Co-Trustees of the LEON FISCHER TRUST
FOR THE LIFE AND WORK OF FRITZ
GRUNBAUM and MILOS VAVRA,

Plaintiffs,

-against-

THE SANTA BARBARA MUSEUM OF ART,

Defendant,

An Artwork *PORTRAIT OF THE ARTIST'S WIFE*
(1915) by the Artist Egon Schiele,

Defendant-in-rem.

ANALISA TORRES, District Judge:

23 Civ. 3009 (AT)

ORDER

The Court has reviewed letters dated April 10, 2023, from Defendant Carnegie Institute, *Reif v. Carnegie Institute*, 23 Civ. 346, ECF No. 33; Defendant Oberlin College, *Reif v. Oberlin College*, 23 Civ. 2108, ECF No. 13; and Defendant The Art Institute of Chicago (“AIC”), *Reif v. The Art Institute of Chicago*, 23 Civ. 2443, ECF No. 20. On March 27, 2023, the Court ordered the parties to submit any opposition to the Court’s intention to consolidate *Reif v. Carnegie Institute*, 23 Civ. 346; *Reif v. Oberlin College*, 23 Civ. 2108; and *Reif v. The Art Institute of Chicago*, 23 Civ. 2443. *E.g.*, *Carnegie Institute*, 23 Civ. 346, ECF No. 30.¹

Carnegie Institute and Oberlin College request that “the [a]ctions be coordinated for purposes of dispositive motions and discovery, but not consolidated for trial.” *Carnegie Institute*, 23 Civ. 346, ECF No. 33 at 1; *Oberlin College*, 23 Civ. 2108, ECF No. 13 at 1. In particular, they request that “a single [motion to dismiss] briefing schedule be entered for the [a]ctions.” *Carnegie Institute*, 23 Civ. 346, ECF No. 33 at 2; *Oberlin College*, 23 Civ. 2108, ECF No. 13 at 2. Carnegie Institute and Oberlin College ask that “Carnegie[Institute]’s motion deadline of April 27[, 2023] be adjourned and aligned with a motion schedule applicable to each of the [a]ctions.” *Carnegie Institute*, 23 Civ. 346, ECF No. 33 at 3; *Oberlin College*, 23 Civ. 2108, ECF No. 13 at 3.

¹ *Reif v. Republic of Austria*, 22 Civ. 10625, is related to the above-captioned actions, but involves foreign defendants that have not yet appeared in that case.

AIC “agrees that it makes sense to consolidate the [r]elated [c]ases for pretrial purposes, including discovery and motion practice,” but “requests that the Court either decline to consolidate the [r]elated [c]ases for trial purposes or, in the alternative, defer decision regarding consolidation of the [r]elated [c]ases for trial until the litigation has progressed further.” *The Art Institute of Chicago*, 23 Civ. 2443, ECF No. 20 at 1–2.


Accordingly:

1. The Court has already ruled on Carnegie Institute and Oberlin College’s request that a single motion to dismiss briefing schedule be set for the related cases. *Carnegie Institute*, 23 Civ. 346, ECF No. 29. If Oberlin College intends to file a motion to dismiss in *Reif v. Oberlin College*, it is directed to either do so in accordance with the Court’s Individual Practices in Civil Cases or explain whether it intends to rely on the pre-motion letter filed in *Reif v. Carnegie Institute* so Plaintiffs are able to respond. The same applies to AIC. The Court shall not adjourn Carnegie Institute’s April 27, 2023 deadline to file its motion to dismiss on this basis. Accordingly, Carnegie Institute and Oberlin College’s request is DENIED without prejudice to renewal.
2. By **April 17, 2023**, Plaintiffs shall state their position on Defendants’ proposal that the cases be consolidated for pretrial purposes, but not for trial purposes. On April 11, 2023, another related case, *Reif v. The Santa Barbara Museum of Art*, 23 Civ. 3009, ECF No. 1, was removed to this Court. By **April 17, 2023**, Plaintiffs shall inform the Court whether there are or will be any other actions that that the Court should be aware of as it considers consolidation of the above-captioned cases.
3. By **April 17, 2023**, Defendant The Santa Barbara Museum of Art shall submit any opposition to consolidation.

This order does not stay any of the applicable deadlines in each of the above-captioned cases.

SO ORDERED.

Dated: April 12, 2023
New York, New York



ANALISA TORRES
United States District Judge